

ment corporation, and an independent establishment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

The section is supplied to avoid the necessity for defining “Executive agency” each time it is used in this title.

CHAPTER 3—POWERS

Sec.	
301.	Departmental regulations.
302.	Delegation of authority.
303.	Oaths to witnesses.
304.	Subpenas.
305.	Systematic agency review of operations.
306.	Strategic plans.

AMENDMENTS

1993—Pub. L. 103-62, §11(a), Aug. 3, 1993, 107 Stat. 295, added item 306.

§ 301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 22.	R.S. §161. Aug. 12, 1958, Pub. L. 85-619, 72 Stat. 547.

The words “Executive department” are substituted for “department” as the definition of “department” applicable to this section is coextensive with the definition of “Executive department” in section 101. The words “not inconsistent with law” are omitted as surplusage as a regulation which is inconsistent with law is invalid.

The words “or military department” are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which provided:

“All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or re-

late to the officer, or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force.”

This section was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added Aug. 10, 1949, ch. 412, §4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides “Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense” is omitted from this title but is not repealed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

SUPPORT FOR YOUTH ORGANIZATIONS

Pub. L. 109-163, div. A, title X, §1058(a), (b), Jan. 6, 2006, 119 Stat. 3442, provided that:

“(a) YOUTH ORGANIZATION DEFINED.—In this section, the term ‘youth organization’ means—

“(1) the Boy Scouts of America;

“(2) the Girl Scouts of the United States of America;

“(3) the Boys Clubs of America;

“(4) the Girls Clubs of America;

“(5) the Young Men’s Christian Association;

“(6) the Young Women’s Christian Association;

“(7) the Civil Air Patrol;

“(8) the United States Olympic Committee;

“(9) the Special Olympics;

“(10) Campfire USA;

“(11) the Young Marines;

“(12) the Naval Sea Cadets Corps;

“(13) 4-H Clubs;

“(14) the Police Athletic League;

“(15) Big Brothers—Big Sisters of America;

“(16) National Guard Challenge Program; and

“(17) any other organization designated by the President as an organization that is primarily intended to—

“(A) serve individuals under the age of 21 years;

“(B) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

“(C) promote the development of character and ethical and moral values.

“(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

“(1) CONTINUATION OF SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year to that youth organization. This paragraph shall be subject to the availability of appropriations.

“(2) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Paragraph (1) shall not apply to any youth organization that ceases to exist.

“(3) WAIVERS.—The head of a Federal agency may waive the application of paragraph (1) to a youth organization with respect to each conviction or investigation described under subparagraph (A) or (B) for a period of not more than two fiscal years if—

“(A) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or